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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,729	02/06/2001	Glenn R. Toothman III	00-40292 CIP	6075

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LOUIS M. HEIDELBERGER, ESQ.
REED SMITH LLP
2500 One Liberty Place
1650 MarKet Street
Philadelphia, PA 19103

EXAMINER

LI, ZHUO H

ART UNIT PAPER NUMBER

2186

DATE MAILED: 03/26/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,729

Applicant(s)

TOOTHMAN ET AL.

Examiner

Zhuo H Li

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 19, 2003 (Paper No. 12) has been entered.

Response to Amendment

2. This Office action is in response to the amendment filed on November 19, 2003 (Paper No. 12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al. (US PAT. 6,008,727 hereinafter Want) in view of Bayley et al. (US PAT. 6,611,673 hereinafter Bayley).

Regarding claim 1, Want discloses a system (10, figure 1) for providing information for substantially immovable equipment (50, figure 1) at an inaccessible location (col. 6 line 37 through col. 7 line 10) comprising a permanently spatially fixed electronic tags, i.e., memory device affixed to the various object, i.e., equipment, the instructions residing on the memory device (col. 6 line 59 through col. 7 line 10 and col. 1 lines 22-29). Want differs from the claimed invention in not specifically teaches the a processor and memory device affixed to the substantially immovable equipment, the instruction directly relating to a substantially immovable equipment residing on the memory device and a portable memory reading device, separate from the memory device, that retrieves the instructions from the memory device and communicates the instructions to a user of said portable memory reading device, wherein said processor processes the instructions to and from said memory device, including processing for forwarding of the instructions from the memory device to said memory reading device. However, Bayley teaches the electronic tag (100, figure 1) comprising a semiconductor chip (102), logic, i.e., processor, a memory and an antenna (col. 1 lines 33-45) wherein the electronic is programmed with additional data relating to various attached object, i.e., as one of the example in Bayley that programmed data comprising he number for the product manufactures customer service or the local poison control center related to cleaner (408, figure 4 and col. 7 lines 62-67) and (col. 6 lines 55-64, col. 7 lines 8-30 and col. 8 line 51 through col. 9 line 5), and the stored data or instruction in the memory of electronic tag can read and write from/to the portable memory

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reading device (200, figure 2) via the processor transmitting the radio frequency to the received/reader (208, figure 2) of the portable memory reading device (col. 5 lines 27-67 and col. 8 line 51 through col. 9 line 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the fixed electronic tags of Want comprising a processor and memory device, and the instructions directly relating to a substantially immovable equipment residing on the memory device, and a portable memory reading device, separate from the memory device, that retrieves the instructions from the memory device and communicates the instructions to a user of said portable memory reading device, wherein said processor processes the instructions to and from said memory device, including processing for forwarding of the instructions from the memory device to said memory reading device, as per teaching by the communication system of Bayley, because it provides the greatest potential for use of radio frequency tag and convenience to various users.

Regarding claims 2-3, Want discloses the system wherein the memory device comprises a contact memory device and programmable read only memory device (col. 1 lines 22-29).

Regarding claim 4, Want discloses the system wherein the memory device is permanently affixed to the equipment (col. 6 line 59 through col. 7 line 2).

Regarding claim 5, the difference between Want and the claims is the claims specifically recite the memory device comprises a weather resistant memory device. However, having a weather resistant memory device does not have a disclosed purpose nor is this weather memory disclosed to overcome any deficiencies in the prior art. As such, the memory device may have been of any resistant. In addition, since Want discloses the electronic tags (i.e., memory device) can be attached permanently or temporarily to various objects, such as paper document, walls,

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floors and furniture (col. 6 line 59 through col. 7 line 10). Accordingly, it would be an obvious matter of design choice to utilize the memory device of Want wherein the memory device comprising a weather resistant memory device, because it prevents the memory device resisting damage from ambient weather conditions.

Regarding claims 6-7, Want discloses the system wherein the information resides on the memory device in extensible markup language format (col. 7 lines 38-48 and col. 9 lines 22-44) and hypertext markup language format (col. 10 lines 19-35).

Regarding claims 8-9, Want teaches the electronic tags (i.e., memory device) can be attached permanently or temporarily to various objects, such as paper document, walls, floors and furniture (col. 6 line 59 through col. 7 line 10) such that it would have been obvious to recognize that the equipment is either outdoor or indoor equipment.

Regarding claim 10, Want discloses the system further comprising a database wherein the information on the memory device is replicated and wherein the memory device is uniquely associated with an identifying code (col. 9 lines 22- 49).

Regarding claim 11, Want discloses the system wherein the replicated information may be accessed upon receipt of the identifying code by the database (col. 9 lines 22- 53).

Regarding claims 12-13, Want discloses the system wherein the replicated information is accessed through an Internet and a telephone network (col. 13 lines 9-27 and col. 14 lines 18-44).

Regarding claim 14, Want discloses the database is communicatively connected to the memory device (col. 9 lines 22-44).

Regarding claim 15, Want discloses the system wherein the replicated information may be revised at the database, and wherein the revised replicated information may be communicated

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from the database to the memory device via the communicative connection (col. 8 lines 56-57 and col. 9 lines 1-21).

Regarding claim 16, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 17-18, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 19, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 20, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claims 21-22, the limitations of the claims are rejected as the same reasons set forth in claims 6-7.

Regarding claim 23, the limitations of the claim are rejected as the same reasons set forth in claim 10.

Regarding claim 24, the limitations of the claim are rejected as the same reasons set forth in claim 11.

Regarding claim 25-26, the limitations of the claims are rejected as the same reasons set forth in claims 12-13.

Regarding claim 27, the limitations of the claim are rejected as the same reasons set forth in claim 14.

Regarding claim 28, the limitations of the claim are rejected as the same reasons set forth in claim 15.

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Regarding claim 29, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 30-31, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 32, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claim 33-34, the limitations of the claims are rejected as the same reasons set forth in claims 6-7.

Regarding claim 35, the limitations of the claim are rejected as the same reasons set forth in claim 10.

Regarding claim 36, the limitations of the claim are rejected as the same reasons set forth in claim 11.

Regarding claims 37-38, the limitations of the claims are rejected as the same reasons set forth in claims 12-13.

Regarding claim 39, the limitations of the claim are rejected as the same reasons set forth in claim 14.

Regarding claim 40, the limitations of the claim are rejected as the same reasons set forth in claim 15.

Regarding claim 41, Want discloses a system (10, figure 1) for providing information for substantially immovable equipment (50, figure 1) at an inaccessible location (col. 6 line 37 through col. 7 line 10) comprising a permanently spatially fixed electronic tags, i.e., memory device affixed to the various object, i.e., equipment, the instructions residing on the memory

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device (col. 6 line 59 through col. 7 line 10 and col. 1 lines 22-29). Want differs from the claimed invention in not specifically teaches the a processor and memory device affixed to the substantially immovable equipment, the instruction directly relating to a substantially immovable equipment residing on the memory device and a portable memory reading device, separate from the memory device, that retrieves the instructions from the memory device and communicates the instructions to a user of said portable memory reading device, wherein said processor processes the instructions to and from said memory device, including processing for forwarding of the instructions from the memory device to said memory reading device. However, Bayley teaches the electronic tag (100, figure 1) comprising a semiconductor chip (102), logic, i.e., processor, a memory and an antenna (col. 1 lines 33-45) wherein the electronic is programmed with additional data relating to various attached object, i.e., as one of the example in Bayley that programmed data comprising he number for the product manufactures customer service or the local poison control center related to cleaner (408, figure 4 and col. 7 lines 62-67) and (col. 6 lines 55-64, col. 7 lines 8-30 and col. 8 line 51 through col. 9 line 5), and the stored data or instruction in the memory of electronic tag can read and write from/to the portable memory reading device (200, figure 2) via the processor transmitting the radio frequency to the received/reader (208, figure 2) of the portable memory reading device (col. 5 lines 27-67 and col. 8 line 51 through col. 9 line 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the fixed electronic tags of Want comprising a processor and memory device, and the instructions directly relating to a substantially immovable equipment residing on the memory device, and a portable memory reading device, separate from the memory device, that retrieves the instructions from the

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memory device and communicates the instructions to a user of said portable memory reading device, wherein said processor processes the instructions to and from said memory device, including processing for forwarding of the instructions from the memory device to said memory reading device, as per teaching by the communication system of Bayley, because it provides the greatest potential for use of radio frequency tag and convenience to various users. The difference between the combination of Want and Bayley, and the claims is the claims specifically recite the inaccessible location group consisting of a cemetery site and a historically notable site. However, having the cemetery and historically notable site in the inaccessible location group do not have a disclosed purpose nor is these sites disclosed to overcome any deficiencies in the prior art. As such, the site may have been of any different site of the inaccessible location. In addition, Want teaches the electronic tag can be attached permanently or temporarily to various objects (col. 6 lines 59-61). Thus, it would have been an obvious matter of design choice to apply the method on the combination of Want and Bayley in different inaccessible locations, such as a cemetery site or a historically notable site because it makes compatibility so that the method can be applied in different inaccessible locations.

Regarding claim 42, Want discloses a method comprising the additional step of replicating the information stored on the memory device in a database (col. 4 lines 17-20).

Regarding claim 43, Want discloses a method comprising the additional step of revising the replicated information at the database, and communicating the revised replicated information to the memory device over a communicable connection between the database and the memory device (col. 8 lines 56-57 and col. 9 lines 1-21).

Regarding claim 44, Want discloses a method comprising the additional step of providing the replicated information over a communication medium upon receipt by the database of an identifying code, the identifying code being uniquely associated with the memory device having the information stored thereon (col. 9 lines 22- 49).

Regarding claims 45-48, the difference between the combination of Want and Bayley, and the claims is the claims specifically recite the information comprises memorial information, historical information, the information of reasons for the dedication and selected user's manual, operation instruction and warranties. However, having these information do not have a disclosed purpose nor is these information disclosed to overcome any deficiencies in the prior art. As such, the data in the memory device may contain any type of information based on the object which the memory device attached with. In addition, Want teaches the data (i.e., information) contains in the electronic tag (i.e., memory device) are suitable to any related object's association data (col. 7 lines 38-48, col. 9 lines 22-44 and col. 10 lines 17-35). Thus it would have been an obvious matter of design choice to utilize the information comprising memorial information on the cemetery site, historical information on the historically notable site, reasons for the dedication on the dedication site and at least one selected from the group consisting of a user's manual, operation instructions and warranties on the equipment site as the combination of Want and Bayley applied in different applications.

Response to Arguments

5. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker et al. (US PAT. 6,445,309) discloses method and apparatus for distributing products to vehicle occupants (abstract).

Decavele et al. (US PAT. 4,498,000) discloses security method and device for communicating confidential data via an intermediate stage (abstract).

Snaper (US PAT. 4,837,568) discloses remote access personal identification and tracking system (abstract).

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 746-7238

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H. Li whose telephone number is 703-305-3846. The



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examiner can normally be reached on Tuesday to Friday from 9:30 a.m. to 7:00 p.m. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached on (703) 305-3821.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Zhuo H. Li



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MATTHEW KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100